

DIVISION I

CACR06-189

MAY 30, 2007

LILLIE FAYE JACKSON and JONATHAN
TYRELL JACKSON

APPELLANTS

v.

STATE OF ARKANSAS

APPELLEE

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[CR-2004-188A, CR2004-188B]

HONORABLE RALPH EDWIN WILSON,
JUDGE

REBRIEFING ORDERED

Appellant Lillie Jackson was convicted by a Crittenden County jury of first-degree battery and permitting the abuse of a minor. The sole issue on appeal is whether the trial court abused its discretion by allowing statements made by the minor to two DHS employees into evidence under Rule 803(24) of the Arkansas Rules of Evidence. The submitted abstract provides only the challenged testimony without the related objections to the trial testimony, yet the record contains appellant's repeated objections interrupting the testimony. The abstract is the record on appeal, *see Greene v. Pack*, 343 Ark. 97, 32 S.W.3d 482 (2000). Therefore, we cannot fully address the argument on appeal until the abstract and brief are supplemented to include those objections. Rule 4-2 (b) sets forth appropriate options when the appellant's abstract or addendum is insufficient. Rule 4-2(b)(3) states that the Court will afford appellant an opportunity to cure any deficiencies even if the appellee does not call attention to the deficiency. Accordingly, appellant has fifteen days within which to file a substituted abstract, Addendum, and brief, to conform to Rule 4-2.

GLOVER and MARSHALL, JJ., agree.

